

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

)	CASE NO.: 11-07910
)	CHAPTER 13
)	
Raymond and Angie Gillespie)	
)	
Debtors)	
)	
Raymond and Angie Gillespie)	
)	
Plaintiffs)	
)	
vs)	
)	MOTION FOR CONTEMPT
Santander Consumer USA; DBA)	
Citifinancial Auto, Ltd.)	
)	
Defendant)	

Plaintiffs, Raymond and Angie Gillespie, would respectfully allege as follows:

1. Plaintiffs filed a chapter 13 action on December 22, 2011, listing Defendant, as an interested party and notice was duly provided this entity.
2. The Plan reads as follows: "Secured creditors paid the full secured claim provided for by this plan shall timely satisfy any liens in the manner required by applicable law or order of this Court."
3. Defendant filed its proof of claim on January 9, 2012 and was paid accordingly by the Trustee.
4. Plaintiffs Plan was confirmed on February 2, 2012.
5. An Order discharging the Trustee and Closing the case was issued on December 16, 2016.
6. Upon the closing of the case, Plaintiff's have tried to obtain their car title for their 2006 Nissan Frontier from Defendant but no title has been forthcoming.
7. At no time since the closing of the case has Defendant attempted to contact the Plaintiffs.

8. In addition to the numerous phone calls, and letters from Plaintiffs, counsel for Plaintiffs sent a letter dated March 20, 2017 requesting a status on the title in addition to phone calls, but no title was forthcoming nor was any response to counsel's letter.
9. This court has jurisdiction of this matter under 28 U.S.C. §1334. This is a core proceeding under 28 U.S.C. §1409.
10. Plaintiffs believe that under 11 U.S.C. §105, this court has power to issue an order for Defendant's contempt which necessitated this chain of events, causing Plaintiffs emotional distress, unnecessary costs, attorney fees and damages.

WHEREFORE, Plaintiffs would ask this court to fashion a remedy which this court believes to be fair and equitable, together with appropriate fees and costs being awarded to Plaintiffs.

/s/Michael G. Matthews
Michael G. Matthews
District Court I.D. #10012
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Beaufort, South Carolina
Dated June 16, 2017

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

)	CASE NO.: 11-07910
)	CHAPTER 13
Raymond Gillespie)	
Angie Gillespie)	CERTIFICATE OF MAILING
)	
_____ Debtor(s))	

I, the undersigned legal assistant of the law office of Michael Matthews, Attorney at Law, attorneys for the debtor(s), do hereby certify that I have mailed a copy of the Debtors' Motion for Contempt on in the above matter, postage prepaid to each of the parties listed below in said action, this 19th day of June, 2017.

James M. Wyman Trustee
P O Box 997
Mt. Pleasant, SC 29465
Via electronic filing

Santander Consumer USA
P O Box 560284
Dallas TX 75256

CT Corporation Systems, Registered Agent
For Santander Consumer USA
2 Office Park Court Ste 103
Columbia, SC 29223
(by first class, certified mail)

/s/ Jenny Durham _____
Jenny Durham